IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE NINETEENTH DAY OF JANUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 246 of 2005

Between:

K.V.Pullaiah S/o.K.Thippanna
R/o.Owk Village and Mandal, Kurnool District.

..... PETITIONER

AND

1 The District Collector, Kurnool Kurnool District.
2 The District Panchayat Officer, Kurnool Kurnool District.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ, order or direction more particulalry one in the nature of writ of mandamus declaring the notice in ROC.NO.3910/PTS.A1/2004 DT.5.1.2005 issued by the 1st respondent (The District Collector Kurnool, Kurnool District) as illegal, without jurisdiction and arbitrary against the principles of the natural justice and to pass such other order or orders.

Counsel for the Petitioner:MR.U.RAMANJANEYULU

Counsel for Respondents : G.P. FOR PANCHAYAT RAJ &

RURAL DEV.

The Court at the stage of admission made the following :

ORDER:

The present writ petition is filed questioning the show cause notice dated 5-1-2005 under section 249(2) of the A.P.Panchayat Raj Act, 1994 (for short the Act) alleging misappropriation of funds and delegating the financial powers to Mandal Parishad Development Officer.

Though several contentions were raised in the writ petition, learned Government Pleader for Panchayat Raj & Rural Development submitted that against the impugned orders passed under section 249 (2) of the Act, an alternative remedy of revision to the Government is provided under section 264 of the Act and without availing such remedy, the petitioner has rushed to this Court by filing the present writ petition, which is not maintainable.

Heard the learned counsel for petitioner and learned Government Pleader for Panchayat Raj. Both counsel agreed for disposal of the writ petition at the stage of admission.

Since an alternative remedy of revision is provided under the Act as against the impugned order, without expressing any opinion on the merits of the matter, I deem it appropriate to permit the petitioner to file a revision, as provided under section 264 of A.P.Panchayat Raj Act, together with stay application, within a period of six weeks from today. Till such time, status quo existing as on today shall be maintained. On filing such a revision petition, the Revisional Authority shall consider the same and pass appropriate orders in accordance with law.

Subject to above observation, the writ petition is dismissed at the admission stage.

_____ **N.V.RAMANA,J**

19th January, 2005

..... REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 The District Collector, Kurnool Kurnool District.
2 The District Panchayat Officer, Kurnool Kurnool District.

3.2CCs to Government Pleader for Panchayat Raj & Rural Development, High Court buildings, Hyderabad (OUT)

4.2CD copies

*Form-NIC-OGS/WP{**MPL**}*